United States District Court Southern District of Texas

ENTERED

July 10, 2020 David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

JAIME PIERO COLE,	§	
	§	
Petitioner,	§	
	§	
VS.	§	CIVIL NO. H-17-940
	§	
LORIE DAVIS,	§	
Director, Texas Department of	§	
Criminal Justice, Correctional	§	
Institutions Division,	§	
	§	
Respondent.	§	

ORDER

Jaime Piero Cole seeks federal habeas corpus relief from his Texas capital conviction and death sentence. Under the scheduling order currently in place, Respondent will file an answer to Cole's amended petition on September 15, 2020. (Docket Entry No. 54). Cole has recently filed an Advisory "look[ing] for direction from the Court" about how to litigate a claim in his amended petition that he has not exhausted in state court. (Docket Entry No. 59 at 2). Cole wants to know whether he should "file a motion for stay and abeyance of federal court proceedings pending exhaustion of state remedies . . . within thirty days" or "file such motion after Respondent files her answer." (Docket Entry No. 59 at 2).

The Court **ORDERS** Cole to file his anticipated motion within **thirty days** from the entry of this Order. Respondent will file a response to that motion at the same time as the answer to the amended petition.

SIGNED on July 10, 2020, at Houston, Texas.

Lee H. Rosenthal

Chief United States District Judge